

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, September 5, 2002, the following members were present:

Gary Feland, Chairman
Jay Stovall, Vice Chairman
Matt Brainard, Commissioner
Bob Rowe, Commissioner

Commissioner Anderson was absent but left written votes with the Commission Secretary.

APPEARANCE

Steve Vick
Utility Division

(375) In the matter of CenturyTel, Docket No. N2002.7.97; On July 31, 2002, CenturyTel filed Transmittal No. 02-07, Type (13) Tariff – Rates and Conditions. The purpose of the filing is to add a late payment charge. The language and rate mirror the effective Exchange and Network Services Tariff of Qwest Corporation. Commissioner Rowe moved to approve the tariff change. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(376) In the matter of Citizens Telecommunications, Docket No. N2002.8.104; On August 15, 2002 Citizens Telecommunications Company of Montana filed Advice Letter No. MT-02-09 for approval of a special promotion. This promotion is a one time credit of \$50.00 for residential customers who order an additional line during the promotional period beginning September 15, 2002 and continuing through October 15, 2002. This promotion is offered only where technically available. Commissioner Rowe moved to approve the promotion. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(377) In the matter of T-02.70.AR; Operating authority held by Shawn L. Guymon and Kim R. Myers, a Partnership dba Classy Cabs, Columbia Falls, Montana, PSC No. 9379 was cancelled August 13, 2002 for failure to file a 2001 Annual Report. Shawn Guymon has requested reconsideration of the cancellation and reinstatement of the operating authority. Staff contacted Mr. Guymon and advised that the report must be filed. No annual report has been received.

Class B - Passengers within the city of Columbia Falls, Montana and a fifty (50) mile radius thereof. Limitations: 1. Transportation must originate or terminate within Columbia Falls, Montana and a five (5) mile radius thereof. 2. Transportation from Glacier International Airport must terminate at Meadow Lake Resort. 3. Transportation by limousine service is prohibited. 4. Transportation originating or terminating in Lake County is prohibited. 5. Transportation originating in Kalispell, Bigfork or Whitefish is prohibited, except as part of a return trip, first originating in Columbia Falls or a five (5) mile radius thereof. 6. Transportation as a Medicaid provider is prohibited. 7. Transportation is limited to the use of seven passenger vehicles or less, with the exception of transportation of children and attendants to or from Big Mountain.

Commissioner Rowe moved to deny the request for reconsideration. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(378) In the matter of T-02.80.ST; On July 25, 2002 Ridle-Lawson Enterprises, Inc. dba McDonald North American, Inc., Billings, Montana, through the US Small Business Administration filed an application for sale and transfer of PSC No. 304 to Montana Sky's Trucking, Inc., Shepherd, Montana.

Class B - Household goods (as defined by Commission), between all points in the State of Montana over any public highways.

SUB A Class C - Property within the City of Helena, Montana, and to or from points tributary thereto, but within a distance not exceeding ten (10) miles in any direction from said town. Limitations: The transportation of property between points served by rail carriers or between points served by a motor carrier operating between fixed termini or over a regular route, is prohibited. Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited

SUB B Class C - Property in the City of Billings, Montana, and to or from points immediately tributary thereto. Limitations: The transportation of property between points served by rail carriers, or between points served by a motor carrier operating between fixed termini or over a regular route, is prohibited. Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

SUB C Class C - 1) Major appliances, 2) Television sets, 3) Miscellaneous items such as fireplaces, stereos and related lines from Billings, Montana to all points and places located in the following counties: Glacier, Toole, Pondera, Teton, Hill, Chouteau, Cascade, Lewis & Clark, Missoula, Ravalli, Deer Lodge, Beaverhead, Park, Silver Bow, Madison, Gallatin, Broadwater, Meagher, Judith Basin, Garfield, Wheatland, Sweetgrass, Dawson, Fallon, Custer, Powder River, Rosebud, Big Horn, Treasure, Valley, Phillips, Musselshell, Fergus, Golden Valley, Stillwater, Carbon and Yellowstone. Limitation: Transportation limited to the account of Interstate Distributing Company.

The application was noticed to the public on August 12, 2002 and no protests were received. Commissioner Stovall moved to approve the sale and transfer. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(379) In the matter of T-02.81.ST; On July 29, 2002 Mary Belle Harper dba VIP Taxi Service, Livingston, Montana filed an application for sale and transfer of PSC No. 5682 to John P. Bechuck dba VIP Taxi Service, Livingston, Montana.

Class B - Passengers and small packages between all points and places within Livingston, Montana and a fifty (50) mile radius thereof. Limitations: (1) Movements which both originate and terminate within Bozeman, Montana are prohibited. (2) Transportation service is restricted to cab or taxi service only. (3) Transportation service to be provided is restricted against utilizing vehicles in excess of eight (8) person capacity. (4) Transportation service to or from Gallatin Field in or near Belgrade, Montana, must originate or

terminate in Livingston, Montana. (5) Transportation of Burlington Northern crews is prohibited. (6) Truck delivery service is prohibited.

SUB A Class C - Passengers between all points and places in the following counties: Broadwater, Gallatin, Granite, Jefferson, Lewis and Clark, Meagher, Mineral, Missoula, Park, Powell, Sanders, Stillwater, Sweetgrass, and Yellowstone. Limitation: (1) Transportation is limited to the account of Livingston Memorial Hospital or their successors in interest, and (2) Transportation in limousine service is prohibited.

SUB B Class B - Passengers and small packages between all points and places within Livingston, Montana and a one hundred twenty-five (125) mile radius thereof. Limitations: (1) Movements which both originate and terminate within Bozeman, Montana are prohibited. (2) Transportation service is restricted to cab or taxi service only. (3) Transportation service to be provided is restricted against utilizing vehicles in excess of eight (8) person capacity. (4) Transportation service to or from Gallatin Field in or near Belgrade, Montana, must originate or terminate in Livingston, Montana. (5) Transportation of Burlington Northern crews is prohibited. (6) Truck delivery service is prohibited.

The application was noticed to the public on August 12, 2002 and no protests were received. Commissioner Brainard moved to approve the sale and transfer. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(380) In the matter of TN2154; Charles Kelly dba Kelly's Haulaway, Kalispell, Montana requests permission to continue the lease of PSC No. 8976 to Kelly's Haul Away, Inc., Kalispell, Montana for a twelve month period, August 28, 2002 to August 28, 2003.

Class D - Garbage, refuse, and other items both organic and inorganic within the City of Kalispell, Montana, and between points and places within a ten (10) mile radius of the City of Kalispell.

SUB A Class C - Scrap materials within the City of Kalispell, Montana, and between points and places within a ten (10) mile radius of the City of Kalispell. Limitations: Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

Commissioner Rowe moved to continue the lease. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(381) In the matter of TN2155; Charles Kelly dba Frank's Service, Kalispell, Montana requests permission to continue the lease of PSC No. 2636 to Frank's Service, Inc., Kalispell, Montana for a twelve month period, August 28, 2002 to August 28, 2003.

Class D - Garbage and refuse only, within the City of Kalispell, Montana, and to or from points tributary thereto, but within a distance not exceeding seven (7) miles in any direction from said city; between Kalispell, Montana and the Kalispell Air Force Station at Lakeside, Montana; and between Kalispell, Montana and the Radar Installation on top of Blackfoot Mountain.

Commissioner Rowe moved to continue the lease. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(382) In the matter of the approval of Commission Minutes; Commissioner Brainard moved to approve the Commission Minutes for the week of August 26, 2002. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

There being no further business to come before the Commission the meeting was adjourned.

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, September 5, 2002, the following members were present:

Gary Feland, Chairman
Jay Stovall, Vice Chairman
Matt Brainard, Commissioner
Bob Rowe, Commissioner

Commissioner Anderson was absent but left written votes with the Commission Secretary.

APPEARANCE

Robin McHugh, Susan Good

(383) In the matter of the Commission's discussion of the PSC's Investigation into the Role of the Default Supplier, Docket No. D2002.7.93; Commissioner Rowe moved to grant the 3-day extension for submitting comments to the notice. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

Commissioner Rowe moved to amend the bluebook list of items delegated to staff to include the ability to make a reasonable changes in the schedule in an notice of inquiry. Commissioner Brainard seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Anderson, who cast his vote aye, making the vote unanimous.

APPEARANCE

Martin Jacobson, Dave Burchett

(384) In the matter of the Commission's discussion of Montana-Dakota Utilities, Docket No. D2002.5.59; Commissioner Feland moved to grant the interim rate increase. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

APPEARANCE

Kate Whitney

(385) In the matter of the Commission's discussion of Qwest Corporation's Application for Section 271 Approval, Docket No. D2002.5.70; Commissioner Rowe moved to issue the notice requesting comments with a September 18th due date. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

APPEARANCE

Martin Jacobson

(386) In the matter of the Commission's discussion of Disposal Services (Rost/Ellis) Application for Temporary Class D Authority, Docket No. T-02.83.PCN; Commissioner Brainard moved to grant the temporary authority as applied for. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Stovall cast Commissioner Anderson's proxy aye.

APPEARANCE

Robin McHugh

(387) In the matter of the Commission's discussion of staff out-of-state travel; Commissioner Stovall moved to authorize Monica Tranel to travel to the ROC meeting in Denver, Colorado. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

APPEARANCE

Martin Jacobson, Steve Vick

(388) In the matter of the Commission's discussion of Electronic Filing Rule, ARM 38.2.318, Docket No. L-01.6.2-RUL; Commissioner Brainard moved to suspend the rule until staff deems it appropriate to reinstate it. Commissioner Rowe seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Anderson, who cast his vote aye, making the vote unanimous

APPEARANCE

Monica Tranel, Robin McHugh

(389) In the matter of the Commission's discussion of Montana Public Service Commission v. Qwest Corporation lawsuit regarding the winback promotion (Cause No. BDV 2002-397), Docket No. D2000.2.21; Commissioner Brainard moved to close the meeting. Commissioner Stovall seconded the motion, which passed with a vote of 3-0-1. Commissioners Brainard, Feland and Stovall voted aye. Commissioner Rowe abstained. Commissioner Anderson did not leave a vote on this issue.

Commissioner Brainard moved to accept a settlement of \$150,000. Commissioner Feland seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Anderson, who cast his vote aye, making the vote unanimous.

There being no further business to come before the Commission the meeting was adjourned.

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)